

BY AUTHORITY

ORDINANCE NO. 42
SERIES OF 2020

COUNCIL BILL NO. 46
INTRODUCED BY COUNCIL
MEMBER SIERRA

AN ORDINANCE CONCERNING THE AMENDMENT OF TITLE 8, CHAPTER 2, ARTICLE G, OF THE ENGLEWOOD MUNICIPAL CODE, IN CONNECTION WITH ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, AND SUCH AMENDMENTS AS SET FORTH HEREIN, ALL WITHIN THE CITY OF ENGLEWOOD, ARAPAHOE COUNTY, COLORADO.

WHEREAS, the City of Englewood has adopted Uniform Building Codes, and subsequent updates as promulgated by the publisher, as the model construction codes for the City since 1971;

WHEREAS, Section 4.2 of the 2015 Intergovernmental Agreement by and between the City of Englewood and the City of Denver regarding fire protection services provides that "Englewood agrees within one (1) year of the Effective Date of this Agreement to adopt the 2015 International Building and Fires Codes and to adopt any subsequent versions of the building and fire codes within six (6) months of Denver's adoption of said subsequent versions of said codes.";

WHEREAS, Section 4.2 of the 2015 Intergovernmental Agreement by and between the City of Englewood and the City of Denver regarding fire protection services provides that "Englewood agrees not to adopt any laws or amendments to said codes that conflict with or are materially inconsistent with the applicable uniform building and fire codes without obtaining the prior, written approval of the Denver Fire Chief (which approval will not be unreasonably withheld);

WHEREAS, the Chief Building Official for the City of Englewood has determined that none of the proposed amendments to the International Residential Code, 2018, conflict with or are materially inconsistent with the applicable uniform building and fire codes;

WHEREAS, in the spirit of interlocal cooperation, Englewood's proposed modifications to the Building and associated safety codes have been provided to the Denver Fire Chief; and

WHEREAS, the Chief Building Official for the City of Englewood has thoroughly reviewed the International Residential Code 2015 and recommends adoption thereof subject to certain exceptions, modifications and amendments as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. Title 8, Chapter 2, Article G shall be amended as follows:
8-2G-1: CODE ADOPTED:

There is hereby adopted, by reference thereto, the International Residential Code 2018 Edition (IRC), as the Residential Building Code, in its entirety including Appendices H and M, and errata updates, published as part of this Code, by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, subject to the exceptions, modifications and amendments set forth in Section 8-2G-2 of this Article. The City Clerk shall maintain a copy of the Residential Building Code, including Appendices H and M, errata updates, and the modifications as set forth within 8-2G-2, which will be available for inspection during regular business hours.

8-2G-2: SPECIFIC MODIFICATIONS TO ADOPTED CODE:

The following specific changes, modifications and amendments are hereby made in the provisions of the International Residential Code 2018, hereinabove adopted:

A. CHAPTER 1. ADMINISTRATION.

1. **R101.1 Title** shall be amended to read as follows:

These regulations shall be known as the Residential Code of the City of Englewood, and shall be cited as such and will be referred to as "IRC" or "this Code".

2. **R105.2 Work Exempt from Permit.** Paragraphs 2, 3, and 10 shall be amended to read as follows:

Building:

2. Refer to Section 16-2-9 of the Englewood Municipal Code for fence requirements.

3. Refer to Section 16-2-9 of the Englewood Municipal Code for retaining wall requirements.

10. Refer to Section 16-2-9 of the Englewood Municipal Code for deck requirements.

3. **R108.2 Schedule of Permit Fees** shall be amended to read as follows:

Refer to Section 109.2 of the Building Code of the City of Englewood for the schedule of permit fees applicable to this IRC.

4. **R108.3 Building Permit Valuations** shall be amended to include the following additional language:

Refer to Section 109.3 of the amended Building Code of the City of Englewood for additional requirements of this Section.

5. **R108.5 Fee Refunds** shall be amended to read as follows:

Section 109.6 of the amended Building Code of the City of Englewood shall replace the requirements of this Section.

6. **R110.4.1 Temporary Occupancy Fee** shall be added as follows:
Refer to Section 111.3.1 of the amended Building Code of the City of Englewood for the requirements of this Section.
7. **R112 Board of Appeals** shall be amended by deleting paragraphs 1, 2, 3, and 4 and inserting the following:
Refer to Section 8-1-7 of the Englewood Municipal Code for requirements of this Section.
8. **R113.1 Unlawful Acts** shall be amended to read as follows:
Refer to Section 8-1-8 of the Englewood Municipal Code for requirements of this Section.
9. **R113.4 Violation penalties** shall be amended to read as follows:
Refer to Sections 8-1-9 and 8-1-10 of the Englewood Municipal Code for requirements of this Section.

B. CHAPTER 3 – BUILDING AND PLANNING.

1. **Table R301.2(1)** Table R301.2(1) is amended to incorporate the following categories, and if any conflict should be determined between these categories and the categories previously established in Table R301.2(1) the following shall prevail:

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load – 30 PSF
Wind Speed – 105 MPH
Topographic Effects – Yes
Special Wind Region – No
Wind-borne Debris Zone – No
Seismic Design Category – B
Weathering – Severe
Frost Line Depth – 36"
Termite – Slight
Winter Design Temp – 1 Degree F
Ice Barrier Underlayment Required – Yes
Flood Hazards – FIRM
Air Freezing Index – 1500
Mean Annual Temp - 45

2. **R305.1.1 Basements** shall be amended to read as follows:
 1. The Building Official may allow existing basements with a ceiling height between 6'8" and 7'0" to be finished and or occupied as habitable space when the Building Official Determines there is not a technically feasible solution of complying with the required ceiling height set forth in R305.1.
 2. In no case shall the ceiling height at beams, girders, ducts or other obstructions be less than 6 feet 4 inches from the finished floor.

3. **R309.5. Fire Sprinklers** shall be amended to modify the following sentence to read as follows:

Private garages ~~shall~~ may be protected by fire sprinklers where the garage wall has been designed based on Table R302.1(2).

4. **R310.1 Emergency escape and rescue opening required.** Delete Exception 2, including all subsections thereof.

5. **R310.6 Alterations or repairs to existing basements** shall be amended to modify the following sentence to read as follows:

An emergency escape and rescue opening is ~~not~~ required where existing basements are altered or repaired and such work increases habitable space or creates a sleeping room.

6. **R313.1 Townhouse automatic fire sprinkler systems** shall be amended to modify the following sentence to read as follows:

An automatic residential fire sprinkler system ~~shall~~ may be installed in townhouses.

7. **R313.2 One– and two-family dwellings automatic fire systems** shall be amended to modify the following sentence to read as follows:

An automatic residential fire sprinkler system ~~shall~~ may be installed in one– and two-family dwellings.

C. CHAPTER 4 – FOUNDATINS

1. **R401.4 Soil tests** shall be amended to read as follows:

The building official may require a soil test for a new structure or an addition to a structure is proposed. This test shall be done by an approved agency using an approved method.

D. CHAPTER 10 – CHIMNEYS AND FIREPLACES

1. **R1001.1.1 Fireplace Restrictions** shall be added as follows:

Fireplaces shall comply with Sections 6-1-11 and 6-1-12 of the Englewood Municipal Code.

2. **R1004.1.1 Fireplace Restrictions** shall be added as follows:

Fireplaces shall comply with Sections 6-1-11 and 6-1-12 of the Englewood Municipal Code.

E. CHAPTER 26 – GENERAL PLUMBING REQUIREMENTS

1. **P2603.5.1 Sewer Depth** shall be amended to modify the following sentence to read as follows:

Building sewers that connect to private sewage disposal systems shall be ~~not less than~~ a minimum of twelve inches (12") below finished grade at the

point of septic tank connection. Building sewers shall be not less than a minimum of twelve inches (12") below grade.

F. APPENDICES ADOPTED.

- 1. Appendix F Radon Control Methods.**
- 2. Appendix H Patio Covers.**
- 3. Appendix M Home Day Care R-3 Occupancy.**

Section 2. Notice of general provisions and findings applicable to interpretation and application of this Ordinance:

Applicability of Title 1, Chapter 2, Saving Clause. The provisions of E.M.C. Title 1, Chapter 2, Saving Clause apply to interpretation and application of this Ordinance, unless otherwise set forth above, including, but not limited to, the provisions regarding severability, inconsistent ordinances or code provisions, effect of repeal or modification, and legislation not affected by repeal.

Enforcement. E.M.C. Title 1, Chapter 4, "General Penalty" provisions mandate that except as otherwise provided within specific Titles, Chapters, or Sections of the Englewood Municipal Code, the violation of any provisions of the Code, or of any secondary code adopted therein, shall be punished by a fine not exceeding two thousand six hundred and fifty dollars (\$2,650.00) or imprisonment for a term not exceeding three hundred sixty (360) days or by both such fine and imprisonment.

Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Introduced, read in full, and passed on first reading on the 5th day of October, 2020.

Published by title as a Bill for an Ordinance in the City's official newspaper on the 8th day of October, 2020.

Published as a Bill for an Ordinance on the City's official website beginning on the 7th day of October, 2020 for thirty (30) days.

Read by title and passed on final reading on the 19th day of October, 2020.

Published by title in the City's official newspaper as Ordinance No. 42, Series of 2020, on the 22nd day of October, 2020

Published by title on the City's official website beginning on the 21st day of October, 2020 for thirty (30) days.

This Ordinance shall take effect thirty (30) days after publication following final passage.

DocuSigned by:

Linda Olson

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Linda Olson, Mayor

ATTEST:

DocuSigned by:

Stephanie Carlile

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Stephanie Carlile, City Clerk

I, Stephanie Carlile, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. 42, Series of 2020.

DocuSigned by:

Stephanie Carlile

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Stephanie Carlile